

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GALEN FOURAKER,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,
Individually and as Successor-in-Interest to;

Defendant.

8:11CV425

AMENDED PROGRESSION ORDER

The parties joint oral motion to continue, (filing no. 22), is granted, and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before Warren K. Urbom, Senior United States District Judge, in Courtroom 4, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on **May 20, 2013**, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. A conference with counsel will be held in Judge Urbom's chambers at 8:30 a.m. on the first day of trial. Jury selection will be held at commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **May 9, 2013 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on May 8, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **January 22, 2013 at 9:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is December 19, 2012. Motions to compel Rule 33 through 36 discovery must be filed by December 4, 2012.

- 5) The deadline for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is January 18, 2013
- 6) The deposition deadline is March 1, 2013.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is February 5, 2013.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 5, 2013.

October 15, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge